

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

JEFFREY FINK,

Plaintiff

V.

SUN LIFE INSURANCE AND ANNUITY  
COMPANY OF NEW YORK, SUN LIFE  
ASSURANCE COMPANY OF AMERICA,  
AND PROSKAUER ROSE LLP LONG  
TERM DISABILITY PLAN,

Defendants

CIVIL ACTION NO. 05-10001-RWZ

**ASSENTED-TO MOTION FOR ADDITIONAL TIME TO SERVE DEFENDANT  
PROSKAUER ROSE LLP LONG TERM DISABILITY PLAN**

Pursuant to Fed.R.Civ.P. 4(m), the Plaintiff, Jeffrey Fink, hereby files this Assented-to Motion for Additional Time to Serve Defendant Proskauer Rose LLP Long Term Disability Plan ("Plan"). The Plaintiff is requesting an additional three days, or until May 6, 2005, to serve his Complaint on the Plan. As grounds for this Motion, the Plaintiff states:

- 1) The Plaintiff's period of time to serve the Plan expires on May 3, 2005;
- 2) The Plaintiff's Complaint and Amended Complaint are in the process of being served on the Plan, which is located in the State of New York, by Attorney Service Company of New York ;
- 3) Attorney Service Company of New York has indicated that the Complaint and Amended Complaint will be served on or by April 29, 2005, within the time frame mandated by Fed.R.Civ.P. 4(m). However, in an

abundance of caution, the Plaintiff is requesting an additional three days, or until May 8, 2005, to ensure that service is properly effectuated by Attorney Service Company of New York; and

- 4) The Defendants, Sun Life Insurance and Annuity Company of New York and Sun Life Assurance Company of New York assent to this motion.

WHEREFORE, the Plaintiff respectfully requests that this motion be granted.

Date: April 29, 2005

Plaintiff,

JEFFREY FINK,

By his attorney,

/s/ Mala M. Rafik  
Mala M. Rafik  
BBO No. 638075  
ROSENFELD & RAFIK, P.C.  
44 School Street, Suite 410  
Boston, MA 02108  
(617) 723-7470

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing was served on Defendants' counsel by electronic mail this 29<sup>th</sup> day of April, 2005.

/s/ Mala M. Rafik  
Mala M. Rafik

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing document was served by first class mail, postage prepaid, upon counsel of record on April 13th, 2005.

/s/ Mala M. Rafik

Mala M. Rafik

BBO No. 638075